

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
S/S Corbett Road, 2650 ft. E of	* ZONING COMMISSIONER
c/l Monkton Farms	
2139 Corbett Road	* OF BALTIMORE COUNTY
10th Election District	
3rd Councilmanic District	* Case No. 95-178-A
John E. Day, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John E. Day and Margaret J. Day, his wife, for that property known as 2139 Corbett Road in the Corbett Hill Farms subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 103.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 10 ft. side yard setback in lieu of 25 ft. for a barn and addition, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

COPIES RECEIVED FOR FILING

12/9/96
J. E. Day
M. J. Day

MICROFILMED


Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of December, 1994 that the Petition for a Zoning Variance from Section 103.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 10 ft. side yard setback, in lieu of 25 ft. for a barn and addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure (barn) to be converted to a second dwelling unit and/or apartment. The barn shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 8, 1994

Mr. and Mrs. John E. Day
2139 Corbett Road
Monkton, Maryland 21111

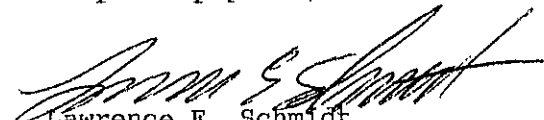
RE: Petition for Administrative Zoning Variance
Case No. 95-178-A
Property: 2139 Corbett Road

Dear Mr. and Mrs. Day:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2139 CORBETT ROAD
address
MOULTON MD. 21111
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

1. THE ONLY LOGICAL PLACE TO ADD TO THE EXISTING BARN IS ON THE WEST SIDE.
2. THE PROPOSED ADDITION WOULD ENROACH THE BUILDING SETBACK AND COME WITHIN 10' TO 15' OF THE PROPERTY LINE.
3. THE PROPOSED ADDITION WOULD BE USED TO HOUSE CARRIAGE AND HORSE TRAILERS, MAKING A NEATER APPEARING AREA NEXT TO MY NEIGHBORS.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John E Day
(signature)
JOHN E. DAY
(type or print name)



Margaret J Day
(signature)
MARGARET J. DAY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of NOVEMBER, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN E. DAY & MARGARET J. DAY

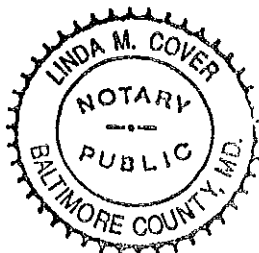
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11-7-94
date

Linda M Cover
NOTARY PUBLIC

My Commission Expires: 9-23-97



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Petition for Administrative Variance

95-178 -A

to the Zoning Commissioner of Baltimore County

for the property located at 2139 CORBETT ROAD
MONKTON, MD. 21111

which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

103.3(1A01.2., RC2, 1976) to permit a 10' side setback
in lieu of 25'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. ONLY LOGICAL PLACE FOR ADDITION TO BARN.
2. ADDITION WOULD ENCROACH BUILDING SETBACK 10' TO 15'.
3. ADDITION WOULD NEATEN WEST SIDE OF PROPERTY.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2139 CORBETT ROAD

771-4529

Address

Phone No

MONKTON

M.D.

21111

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY MDK

DATE 11/9/94

ESTIMATED POSTING DATE: 11/20/94

Printed with Soybean Ink
on Recycled Paper

ITEM #: 175

95-178-A

ZONING DESCRIPTION FOR 2139 Corbett Road, Monkton, MD 21111.

Beginning at a point on the South side of Corbett Road which is 70 feet wide at the distance of 2,650 ft. east of the centerline of the nearest improved intersecting street, Monkton Farms Drive which is 50 feet wide. Being lot #5, Block #1, Section #1 in the subdivision of Corbett Hill Farms as recorded in Baltimore County Plat Book #41, Folio #118, containing 5.203 acres. Also known as 2139 Corbett Rd., Monkton, Md 21111 and located in the 10th Election District, ³ Councilmanic District.

175

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-178-A

District 10th Date of Posting 11/18/94

Posted for: Variance

Petitioner: John & Marge Ray

Location of property: 2139 Corbett Rd, S/S

Location of Signs: Facing road way, on property being zoned

Remarks: No Poles used

Posted by M. T. T. T. Date of return: 11/28/94
Signature

Number of Signs: 1





Baltimore County
Zoning Administration &
Development Management
171 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

Date

11/9/94

Item Number: 175

Taken In By: MDK

Day, John E. - 2139 Corbett Road

010 - Res Lic. (Admin) - \$50.00

000 - 1 sign posting - \$35.00

Total - \$85.00

RECEIVED

03A03#0477MICHRC

BA 0001:04PM11-09-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 175

Petitioner: JOHN E. DAY & MARGARET J. DAY

Location: 2139 CORBET ROAD - MONKTON, MD. 21111

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOHN E. DAY

ADDRESS: 2139 CORBET ROAD

MONKTON, MARYLAND 21111

PHONE NUMBER: 410- 771- 4529

AJ:ggs

APPROVED

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

John E. Day
Margaret J. Day
2139 Corbett Road
Monkton, Maryland 21111

DEC. 06 1994

RE: Item Number: 175
Case Number: 95--178
Petitioner: John & Margaret Day

Dear Mr. & Mrs. Day:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 9, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-19-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: MS. JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County
Item No.: X 175 (MJK)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 28, 1994
Zoning Administration and Development Management

FROM: *Dut* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for November 28, 1994
Items 172, 175, and 176

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 11/21/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 11/21/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

175 ✓

176

177

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: November 18, 1994

SUBJECT: Below listed cases

In reference to the following cases, staff offers no comment:

Item Nos. 161, 166, 172, 173, 175, 176, 177

If there should be any questions, please contact Jeffrey Long at 887-3480.

Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Keller

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/17/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 21, 1994

Item No.: SEE BELOW

Zoning Agendas

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 172, 174, 175, 176 AND 177.

RECEIVED

NOV 21 1994

ZADM

REVIEWER: LT. ROBERT P. SOLER, Jr.
Fire Marshal Office, PHONE 887-4881, MS-1105

cc: File

11/21/94



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 17, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: John and Margaret Day
2139 Corbett Road
Monkton, Maryland 21111

Re: CASE NUMBER: 95-178-A (Item 175)
2139 Corbett Road
S/S Corbett Road, 2650' E of c/l Monkton Farms
10th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 20, 1994. The closing date (December 5, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director



175

Note to the Hearing Officer:

In reviewing the site plan, the scale seems to be off since the plans were reproduced several times; however, the 10' setback the petitioner is asking for will be a true measurement. Also, the lot is part of a recorded plat where the RCZ requirement was a 25' side setback. Any questions, let me know -

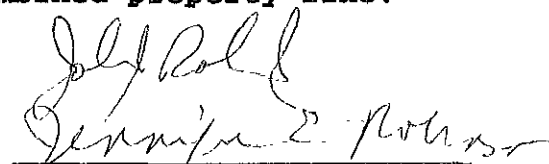
Mitch

11/10/94

November 16, 1994

TO WHOM IT MAY CONCERN:

Please know that we are aware that Mr. John Day is planning to add to his barn located at the southwest portion of his property. Our property is located to the west of his property and any work he would perform would not bother us in the least. We also do understand that the addition to his barn would come to within approximately 10-15 feet of our combined property line.


John & Jennifer Robinson
2131 Corbett Road
Monkton, MD 21111

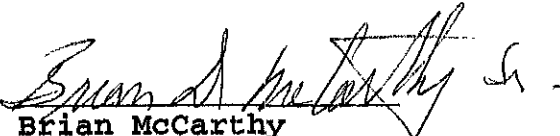
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#175

November 16, 1994

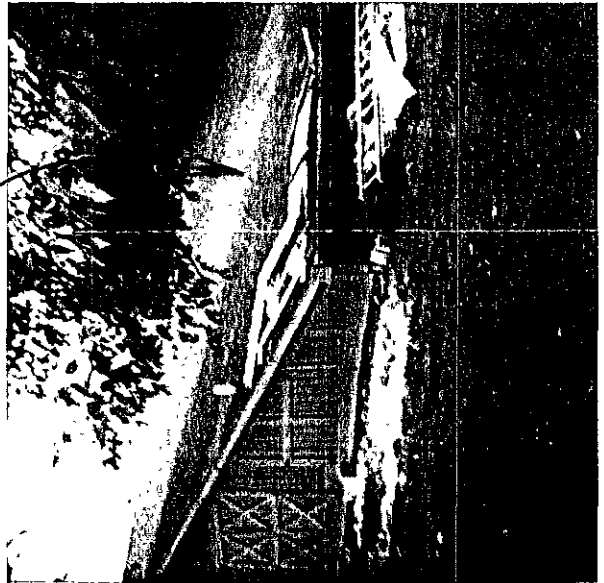
TO WHOM IT MAY CONCERN:

Please know that we are aware that Mr. John Day is planning to add to his barn located at the southwest portion of his property. Our property is located to the south of his property and any work he would perform would not bother us in the least. We also do understand that the addition to his barn would come to within approximately 10-15 feet of the Robinson's property at 2131 Corbett Road.


Brian McCarthy
2121 Corbett Road
Monkton, MD 21111

RECEIVED

#175



175

PROPOSED AREA
OF ADDITION



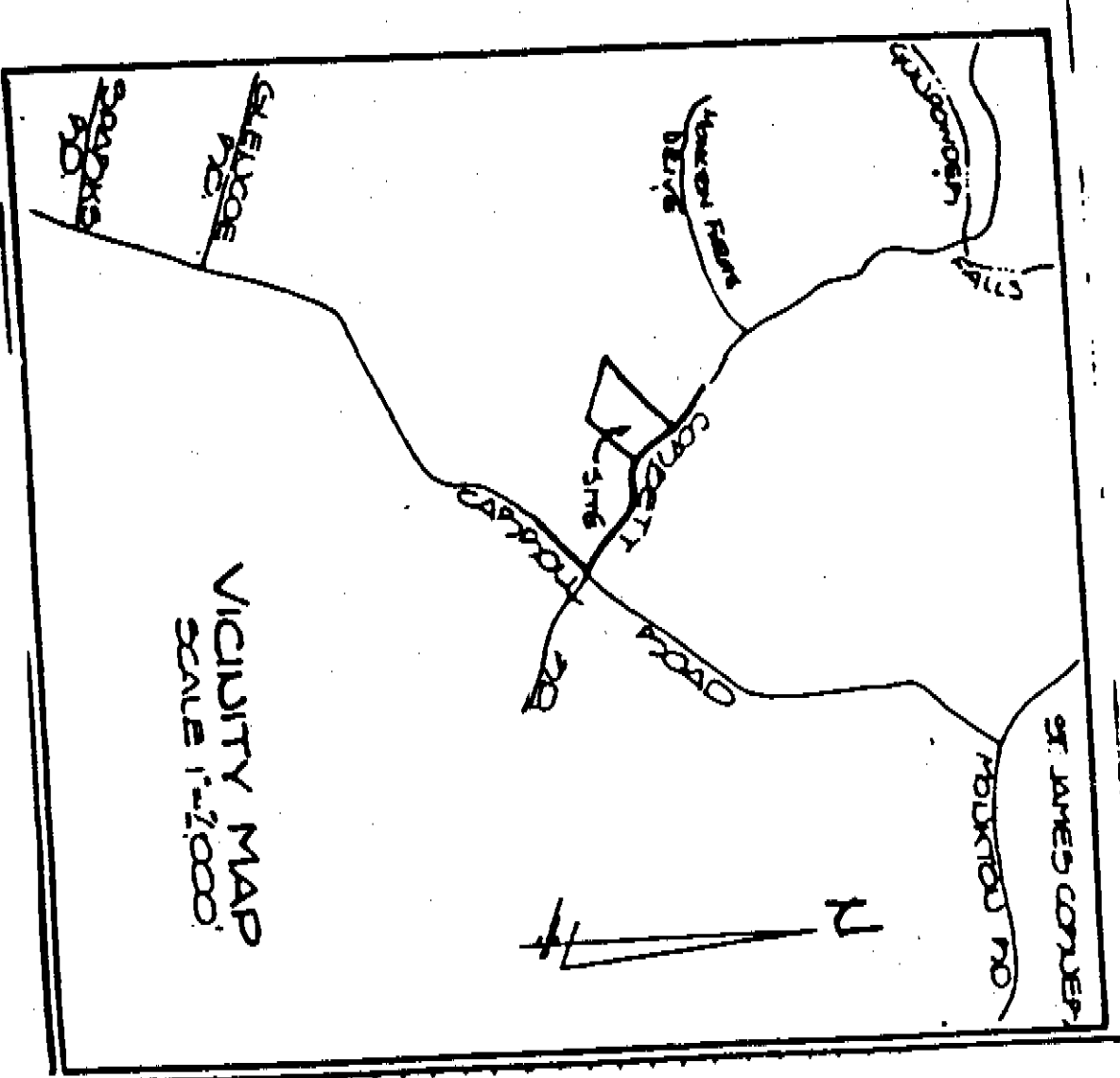
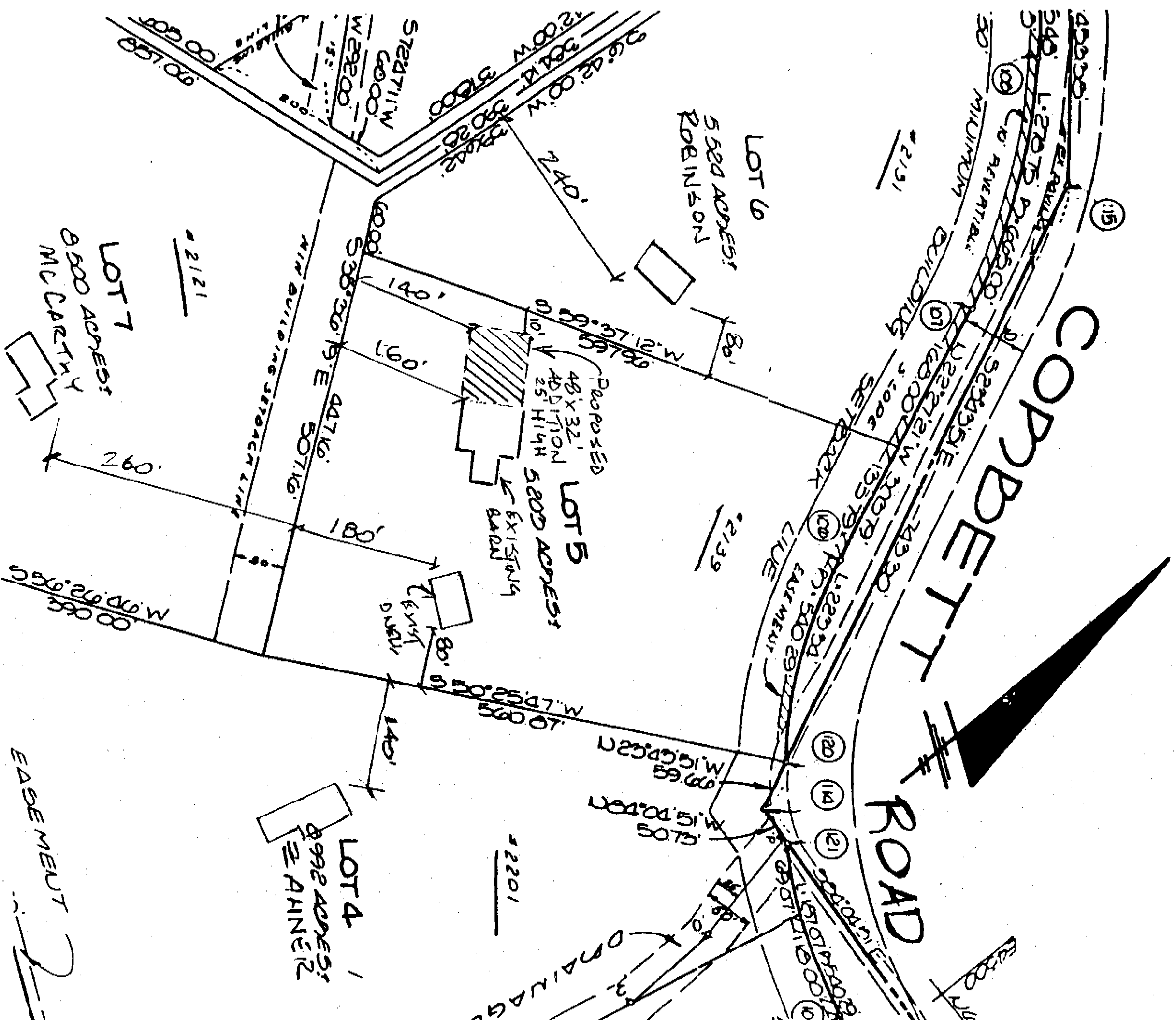
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2139 Cobett Rd Market, Md. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Cobett Hill Farms

plat book # 4, folio # 118, lot # 5, section # 1

OWNER: John E. & Margaret J. Day



LOCATION INFORMATION

Election District: 10

Councilmanic District: 3

1"-200' scale map: NE-24A

Zoning: RC-2

Lot size: 5.103 24,500 ±
acreage square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: 0

Zoning Office USE ONLY!

reviewed by: MARK ITEM #: 175 CASE#:

date: 11/5/94

prepared by: RLH

95-178-A

MICROFILMED

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MY LADY'S MANOR

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SHE

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95-178-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
SOUTHEAST OF
CORBETT
#175

SHEET
N.E.
24-A
MICROFILMED

PREPARED BY AIR PHOTOGRAPHICS, INC.
BARTINGSBURG, W.VA. 25413